***THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY***
***AND***
***THE HON'BLE SRI JUSTICE D. APPA RAO***

**REVIEW W.P.M.P. No.17887 of 2006**
**IN W.P.No.9073 OF 2006;**
**REVIEW W.P.M.P. No.18566 of 2006**
**IN W.P.No.7913 of 2006**
**AND**
**REVIEW W.P.M.P. No.17252 of 2006**
**IN W.P.No.9782 of 2006**

**COMMON ORDER:** *(per the Hon'ble Sri Justice L.Narasimha Reddy)*

These three Review W.P.M.Ps., are filed with a prayer to review the orders passed in the respective writ petitions, particularly in W.P.No.9073 of 2006.

The writ petitions were filed challenging the orders of detention, passed in exercise of powers under Section 3 of the Andhra Pradesh Prevention of Dangerous Activities of Boot-leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short "the Act"). One of the points urged before this Court was that, an order of detention can be passed by the detaining authority initially for a period of three months, and thereafter, it can be extended for a period, not exceeding three months at each time, subject to the outer limit of 12 months, stipulated under Section 13 of the Act. In our judgment, dated 13.05.2006, we took the view that proviso to sub-section (2) of Section 3 governs the manner in which the order of detention can be extended. Since the orders of detention in the instant cases were extended at a time, up to 12 months, it was held that thee is violation of the provisions of the Act. On this and certain other grounds, the orders of detention were set aside.

Learned Advocate General contends that proviso to sub-section (2) of Section 3 of the Act governs the matter relating to conferment of powers of detention upon the District Magistrate or the Commissioner of Police, as the case may be, and that it has nothing to do with the

extension of the period of detention. He relies on the judgment of the Supreme Court in **Harpeet Kaur v. State of Maharashtra**[1] and accordingly, seeks review of the orders.

Learned counsel for the writ petitioners, on the other hand, submits that this point was not urged when the writ petitions were heard. They also contend that there are other grounds on which the orders of detention are liable to be set aside.

From a perusal of the judgment of the Supreme Court, it is evident that a provision, similar to sub-section (2) of Section 3 of the Act together with its proviso, was interpreted. It was held that the manner prescribed for extension of the orders, in the proviso is referable to the orders conferring power upon the District Magistrate or the Commissioner of Police, to pass orders of detention, but not in relation to the extension of order of detention. Unfortunately, this judgment was not cited before us, when the writ petitions were heard. Once the inconsistency with a judgment of the Supreme Court is pointed out, the view expressed by us in the judgments in writ petitions, needs to be reviewed.

In that view of the matter, we review the order, dated 30.05.2006, passed in W.P.No.9073 of 2006 and recall the observations as to the interpretation of Section 3(2) of the Act. Since the orders in other two writ petitions were passed following the judgment, they also must fall in line. Accordingly, the review W.P.M.Ps., are ordered.

In the normal course of things, this order must entail revival of the orders of detention. After hearing the learned Advocate General and learned counsel for the petitioners, we are of the view that the various other contentions, urged on behalf of the detunes, were not dealt with in detail, on account of the view expressed as to the interpretation to proviso to sub-section (2) of Section 3 of the Act. At this length of time, that too, after the detenues were set free, it is not advisable to revive the orders of detention. In case, the detenues are found to be resorting to the same activity, nothing would prevent the Government or the

District Magistrate from passing fresh orders. In such an event, the grounds mentioned in the previous orders of detention shall also be taken into account and our order cannot be treated as final pronouncement on the validity or otherwise of such grounds.

The Review.W.P.M.Ps. are accordingly ordered.

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***L. NARASIMHA REDDY, J***

21st July 2006.

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***D. APPA RAO, J***

GJ

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[1] 1992 (2) SCC 177